

REMARKS

Applicants have carefully reviewed the Application in light of the Final Office Action and Decision on Appeal. In the Final Office Action, Claims 1-11, 13-22, 24, 25, and 27-31 are pending and rejected. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

Summary of the Telephone Interview

Applicants thank the Examiner for conducting a telephone interview with Applicants on May 26, 2011. In the telephone interview, the Examiner provided helpful suggestions to facilitate prosecution of the Application.

Section 103 Rejections

The Final Office Action rejects under 35 U.S.C. § 103(a): Claims 1, 6-8, 11, 13, 16, 19-22, 27 and 28 over U.S. Patent No. 6,047,051 issued to Ginzboorg et al. ("*Ginzboorg*") in view of U.S. Patent No. 6,389,537 issued to Davis et al. ("*Davis*"); Claims 2-4 over *Ginzboorg* in view of *Davis* and U.S. Patent No. 5,905,736 issued to Ronen et al. ("*Ronen*"); Claim 5 over *Ginzboorg* in view of *Davis* and U.S. Patent No. 5,956,391 issued to Melen et al. ("*Melen*"); Claim 9 in view of *Davis* and U.S. Patent No. 5,970,477 issued to Roden ("*Roden*"); Claims 10, 14, 15 over *Ginzboorg* in view of *Davis* and U.S. Patent Publication No. 2002/0059114 in the name of Cockrill et al. ("*Cockrill*"); Claim 17 over *Ginzboorg* in view of *Davis* and U.S. Patent No. 5,852,812 issued to Reeder ("*Reeder*"); Claim 18 over *Ginzboorg* in view of *Davis* and U.S. Patent No. 5,778,189 issued to Kimura et al. ("*Kimura*"); Claims 24 and 25 over *Ginzboorg* in view of *Davis* and U.S. Patent No. 5,319,454 issued to Schutte ("*Schutte*"); and Claims 29-31 over *Ginzboorg* in view of *Ronen*. These rejections are respectfully traversed for the following reasons.

Applicants respectfully submit that the proposed *Ginzboorg-Davis* combination fails to disclose, teach, or suggest the limitations specifically recited in Applicants' claims. For example, the proposed *Ginzboorg-Davis* combination fails to disclose, teach, or suggest the following limitations recited in independent Claim 1:

- forwarding, by the proxy, the content request from the subscriber terminal to the content server,
- forwarding, by the proxy, the content corresponding to the content request from the content server to the subscriber terminal.

Ginzboorg discloses a customer terminal CT that selects a service and a service provider that provides the service to the customer terminal CT and sends a service identifier "Sid" and subscriber identifier "Cid" to a billing server WD:

The customer terminal CT, includes a service browser (which can be, for example, a Web browser), which the customer uses to find suitable services from the Internet. After finding a suitable service, which in this example is the Video-on-Demand service of service provider SP1, the customer selects the service in question (for example, a movie) by clicking the option, for example. The service selection stage is indicated by arrow A. So at this point the customer terminal and the server of the service provider communicate.

When the customer has made the selection, the server of the service provider sends to the billing server WD, (arrow B) the service identifier "Sid", identifying the movie in question, and the subscriber identifier "Cid" of the customer in question. The Cid is obtained, for example, from the customer's browser on the basis of the source address of the received messages (for example, the socket address of the TCP connection). So the browser is always required to provide the customer identity and address, at least to the billing service provider, but preferably also to the service provider. The subscriber identifier can also be, for example, retrieved from a database on the basis of a password given by the subscriber. This way several different customers can use the services from the same address. It is also possible that there is in the network a separate server, which hides the customer's identity from the service provider, but gives the information to the billing service provider. However, this kind of arrangement is more complicated.

After this the billing server asks the service provider to start sending the information to the customer (arrow G).

Ginzboorg, column 5, line 43 - column 6, line 2; and column 6, lines 62-63. That is, *Ginzboorg* discloses a customer terminal CT that selects a service and a service provider that provides the service to the customer terminal CT and sends a service identifier "Sid" and subscriber identifier "Cid" to a billing server WD. However, the cited portions of *Ginzboorg* fail to disclose, teach, or suggest that the billing server forwards a content request from the customer terminal CT to the service provider or that the billing server WD forwards the content corresponding to a content request from the service provider to the customer terminal CT. Accordingly, the cited portions of *Ginzboorg* fail to disclose, teach, or suggest

“forwarding, by the proxy, the content request from the subscriber terminal to the content server” and “forwarding, by the proxy, the content corresponding to the content request from the content server to the subscriber terminal” as recited in Claim 1. *Davis* does not cure these deficiencies.

Consequently, at a minimum, the proposed *Ginzboorg-Davis* combination fails to disclose, teach, or suggest, each of the above-cited limitations of Applicants’ Claim 1. For at least these reasons, Claim 1 and its dependent claims are allowable. For analogous reasons, Claim 29 and its dependent claims are allowable. Because Applicants believe they have amply demonstrated the allowability of the independent claims over the prior art, and to avoid burdening the record, Applicants have not provided detailed remarks concerning these dependent claims. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so. Applicants respectfully request reconsideration and allowance of all pending claims.

No Waiver

Applicants’ arguments are made without prejudice or disclaimer. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the additional statements. The distinctions between the applied references and the claims are provided as examples only and are sufficient to overcome the rejections. Applicants reserve the right to discuss additional or other distinctions in a later response or on appeal, if appropriate.

Request for Evidentiary Support

If the Examiner is relying upon “common knowledge” or “well known” principles or “Official Notice” or other information within the Examiner’s personal knowledge to establish a rejection, Applicants respectfully request that the Examiner cite a reference or provide an affidavit in support of the position in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

The Examiner is hereby authorized to charge the **\$810.00** Request for Continued Examination Fee and to the extent necessary, charge any additional required fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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